

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

10:43 am, Jan 16, 2020

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KENNETH THOMAS KIIROJA,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER
No. 20-CV-00078 (GRB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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GARY R. BROWN, United States District Judge:

On January 6, 2020, plaintiff Kenneth Thomas Kiiroja commenced this action against defendant the Commissioner of Social Security seeking review of the decision of the Administrative Law Judge pursuant to section 405(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g). Docket Entry (“DE”) 1. Accompanying the complaint is an application to proceed *in forma pauperis* and a proposed summons. DE 3.¹

To qualify for *in forma pauperis* status, the Supreme Court has long held that “an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. Du Pont De Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal quotation marks omitted). Plaintiff’s application does not include sufficient information for the Court to make such finding. Plaintiff indicates that he is unemployed and has no money in a checking or savings account. He avers that he has not received income from any sources in the past twelve (12) months and has answered “n/a” to every other question on the form. See DE 3. However, plaintiff has a residential apartment address noted on the Exhibit

¹ Given that plaintiff’s counsel has filed a proposed summons, it is unclear whether plaintiff intends to rely on service by the United States Marshal Service in accordance with 28 U.S.C. § 1915(d). Accordingly, plaintiff shall so indicate upon renewal of the *in forma pauperis* application.

annexed to the complaint even though he wrote N/A” in the space on the application that calls for “any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense).” *Id.* ¶ 6.

Given that plaintiff has not provided sufficient information for the Court to assess his financial position in the abbreviated form, plaintiff is directed to complete the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)” (AO 239). Accordingly, plaintiff’s application to proceed *in forma pauperis* is denied without prejudice and with leave to renew upon filing the enclosed “Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)” (AO 239). Alternatively, plaintiff may pay the \$400.00 filing fee. Plaintiff shall either file the Long Form or remit the filing fee within two (2) weeks of the date of this Order or this action will be dismissed without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to mail a copy of this Order to the *pro se* plaintiff.

SO ORDERED.

Dated: Central Islip, New York
January 16, 2020

/s/ Gary R. Brown
GARY R. BROWN
United States District Judge